

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:24-cv-02615-FLA-MAA

Date: November 18, 2024

Title Armani Marsalis Gates I v. Martin O'Malley

Present: The Honorable MARIA A. AUDERO, United States Magistrate Judge

Cindy Delgado

N/A

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiff:

N/A

Attorneys Present for Defendant:

N/A

Proceedings (In Chambers): Second Order to Show Cause Re: Dismissal for Lack of Prosecution

On March 27, 2024, Plaintiff filed a Complaint seeking review of the final decision denying her application for supplemental security income. (Compl., ECF No. 1.) On April 8, 2024, the Court issued an Initial Case Management Order Regarding Procedures in Social Security Appeals (“Order”). (Order, ECF No. 4.) The Order directed the parties to follow 42 U.S.C. § 405(g) and the Supplemental Rules for Social Security Actions Under 42 U.S.C. § 405(g) (“Supplemental Rules”) for the procedures for pleading, serving, and litigating this action. (*Id.* § III (citing Supp. R.)) Pursuant to the Supplemental Rule 6, “[t]he plaintiff must file and serve on the Commissioner a brief for the requested relief within 30 days after the answer is filed or 30 days after entry of an order disposing of the last remaining motion filed under Rule 4(c), whichever is later.” Supp. R. 6. Thereafter, “[t]he Commissioner must file a brief and serve it on the plaintiff within 30 days after service of the plaintiff’s brief.” Supp. R. 7. Finally, “[t]he plaintiff may file a reply brief and serve it on the Commissioner within 14 days after service of the Commissioner’s brief.” Supp. R. 8.

On June 3, 2024, Defendant filed an Answer and the Certified Administrative Record. (ECF No. 7.) In the absence of a brief filed by Plaintiff, as required by Supplemental Rule 4, on August 13, 2024, the Court issued an Order to Show Cause re: Dismissal for Lack of Prosecution, directing Plaintiff to show cause by September 12, 2024 why the Court should not recommend that the lawsuit be dismissed for failure to prosecute and comply with a Court order (“OSC”). (OSC, ECF No. 9.) On September 12, 2024, Plaintiff filed a Response to the OSC, requesting an extension of time in which to file Plaintiff’s brief due to difficulties and delays he was experiencing by proceeding *pro se*. (ECF No. 10.) On October 9, 2024, the Court granted Plaintiff an extension of time and extended the deadline to file Plaintiff’s brief to no later than November 9, 2024. (ECF No. 12.) Additionally, the Court invited Plaintiff to avail himself of the Federal Pro Se Clinic. (*Id.*)

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:24-cv-02615-FLA-MAA

Date: November 18, 2024

Title Armani Marsalis Gates I v. Martin O'Malley

To date, Plaintiff has not filed a brief for the requested relief, as required by Supplemental Rule 4. Accordingly, Plaintiff is **ORDERED TO SHOW CAUSE** by **December 18, 2024** why the Court should not recommend that the lawsuit be dismissed for failure to prosecute and comply with a Court order. If Plaintiff files a brief for the requested relief on or before December 18, 2024, this Second Order to Show Cause will be discharged, and no additional action need be taken.

Plaintiff is cautioned that failure to respond to this Order may result in a recommendation that the Complaint be without prejudice for failure to prosecute and/or failure to comply with a Court order pursuant to Federal Rule of Civil Procedure 41(b). See C.D. Cal. L.R. 41-1.

It is so ordered.